

The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICROSOFT CORPORATION, a Washington  
corporation,

Plaintiff,

v.

MOTOROLA, INC., and MOTOROLA  
MOBILITY LLC, and GENERAL  
INSTRUMENT CORPORATION,

Defendants.

CASE NO. C10-1823-JLR

DEFENDANTS' RESPONSE TO  
MICROSOFT'S 8/16/13 MOTION TO  
SEAL

**NOTED ON MOTION CALENDAR:  
Friday, August 30, 2013**

DEFENDANTS' RESPONSE TO MICROSOFT'S 8/16/13  
MOTION TO SEAL  
CASE NO. C10-1823-JLR

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1 **I. INTRODUCTION**

2 Defendants Motorola, Inc. (now Motorola Solutions, Inc.), Motorola Mobility, Inc. and  
3 General Instrument Corp. (collectively "Motorola") do not oppose Microsoft's 8/16/13 Motion to  
4 Seal (Dkt. No. 853) regarding the following documents:

- 5 • Exhibit 3 to Microsoft's August 16, 2013 letter brief on patent exhaustion and the  
6 portion of Microsoft's letter brief that cites to Exhibit 3.. Dkt. No. 855.

7 **II. MOTOROLA DOES NOT OPPOSE MICROSOFT'S MOTION TO SEAL**

8 Exhibit 3 to Microsoft's August 16, 2013 letter brief on patent exhaustion is an excerpt of  
9 Kirk Dailey's testimony from the ITC hearing transcript that Motorola has requested remain  
10 sealed. The transcript was designated by Motorola as confidential. The excerpted pages reference  
11 non-public commercially sensitive information regarding Motorola's business and licensing  
12 practices and strategies. Disclosure of this information to third parties and other party employees  
13 not covered by the Protective Order would have the potential to lead to competitive harm.

14 **III. CONCLUSION**

15 Motorola does not oppose Microsoft's 8/16/13 Motion to Seal (Dkt. No. 853). Nothing  
16 herein is intended as a waiver of Motorola's right to contest Microsoft's designation of material as  
17 Confidential Business Information in accordance with the terms of the Protective Order. Motorola  
18 expressly reserves the right to do so as the circumstances warrant.

19 DATED this 28th day of August, 2013.

20  
21 Respectfully submitted,

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***Attorneys for Motorola Solutions, Inc.,  
Motorola Mobility LLC and General  
Instrument Corp.***

**CERTIFICATE OF SERVICE**

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 28th day of August, 2013.

/s/ Marcia A. Ripley  
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